

A valid trust of a mortgage-debt may be created by parol, for though a trust thus created will not pass any interest in the land held in pledge, yet it is good as to the debt, and will entitle the *cestui que trust* to the payment of his debt out of the proceeds of the sale of the land : *Id*

Fee-simple in Trustee—Descent to his Heir-at-Law.—A trust to sell or improve lands; to invest and re-invest the proceeds; to collect rents and income; to pay taxes, assessments, commissions, and other annual expenses and charges; to pay over the net income, and to divide the estate, vests a fee-simple title in the designated trustees, not limited to the lifetime of the donor's children, which trust descends to the heir at common-law, the eldest son of the survivor of the trustees, and his contract to sell lands of the estate may be specifically enforced : *Zabriskie v. Morris and Essex Railroad Co.*, 33 N. J. Eq.

UNITED STATES COURTS. See *Evidence*.

Practice—Errors and Appeals—Advancing Case to be heard with another—Argument of Points common to both.—When a case is advanced to be heard with another which has precedence on the docket, the rule is to require the two to be argued as one. This rule is never departed from, except under very peculiar circumstances. And as the court cannot compel a party against his will to argue his case with another, a motion to this effect has always been denied if resisted. In the present case, the motion to advance was denied, but counsel were allowed to submit printed arguments in the other case on the questions presented in that which were common to both : *State of Louisiana v. City of New Orleans*, S. C. U. S., Oct. Term 1880.

Practice—Rehearing—Petition for—Time of Filing.—A petition for rehearing after judgment, under the rule promulgated in *Public Schools v. Walker*, 9 Wall. 604, cannot be filed except at the term in which the judgment was rendered. Prior to that case, orders for re-argument could be made only at the same term and upon the application of some member of the court who concurred in the judgment. That case relaxed the rule by allowing counsel to submit a petition for re-argument, but left the rule in all other respects unchanged : *Brooks v. Burlington & Southwestern Railway Co.*, S. C. U. S., Oct. Term 1880.

WARRANTY. See *Sale*.

WITNESS. See *Evidence*.

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